

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Leslie D. GIST, John M.
BEVILLE, James P.
NICHOLS, Jr.

Serial Number: 10/644,889

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Title: Rotatable Handle for
Reciprocating Saws

Art Unit: 3724

Examiner: Douglas Watts

Atty. Docket No.: 54525.000106

AFFIDAVIT OF
DARWIN KEITH-LUCAS
UNDER 37 C.F.R. § 41.202

1. I, Darwin Keith-Lucas, am a citizen of the United States residing at _____
33 Sleeper St. Boston MA
2. I was employed by Porter-Cable Corporation from 4/2000 to 7/2002 While
an employee at Porter-Cable Corporation, I worked on a reciprocating saw including a
spindle, a saw blade, a body housing a motor and a drive mechanism that drives the
spindle, and a grip that pivots relative to the body about a longitudinal pivot axis of the
body.
3. While an employee at Porter-Cable Corporation, I attended a meeting with fellow
employees Leslie Daily Gist ("Gist"), Mark Etter ("Etter") and Angela Shelton
("Shelton") prior to December 3, 2001, in which Gist came up with the idea of the
invention defined by the Count set forth in Appendix A.

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4. During the meeting referred to above in paragraph 3, Gist described the invention defined by the Count set forth in Appendix A to me, Etter, and Shelton.
5. During the meeting referred to above in paragraph 3, Gist made a drawing of the invention and showed the drawing to me, Etter and Shelton. A copy of the drawing is attached as Appendix I.
6. Prior to December 3, 2001, I worked diligently towards designing a prototype of the invention as part of Porter-Cable's TigerSaw product development effort. Porter Cable's TigerSaw product is a reciprocating saw. Copies of TigerSaw Team Notes showing diligence in designing the prototype as part of Porter-Cable's TigerSaw product development effort from a time prior to December 3, 2001 until the prototype of the invention was built and shown to work for its intended purpose in March 2002 are set forth in Appendix J. My work involved, among other things, designing features and dimensions of a rotatable handle for Porter-Cable's TigerSaw reciprocating saws during the period from prior to December 3, 2001 until a prototype of the invention was built and shown to work for its intended purpose. As part of my design work, I created drawings of a reciprocating saw with a rotatable handle prior to December 3, 2001. These drawings are reproduced in Appendix K. I created similar drawings after December 3, 2001 that are reproduced in Appendix L. As part of my design work, prior to December 3, 2001, I built a model of a TigerSaw reciprocating saw that included a rotating handle. Photographs of this model are reproduced in Appendix M.
7. I observed that Robert Pigg ("Pigg") began working on Porter-Cable's TigerSaw product development effort in or around November 2001. Shortly after Pigg joined the TigerSaw product development effort, I had discussions with him regarding the rotatable handle

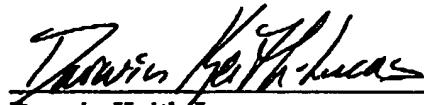
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feature of the TigerSaw product, and I provided him with design information on features of the rotating handle that I was working on. Pigg incorporated the design information into a prototype that he built and showed to work for its intended purpose in or around March 2002. Photographs of the prototype built by Pigg are reproduced in Appendix O. The prototype shown in Appendix O is a reciprocating saw that included a spindle for supporting a saw blade, a body housing a motor and a drive mechanism that drives the spindle, and a grip that pivots relative to the body about a longitudinal pivot axis of the body.

8. I hereby declare that all statements made here of my own knowledge are true and that all statements made on information and belief are believed to be true and that the statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 12/20/04

By:


Darwin Keith Lucas